

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

HALOZYME, INC.

Plaintiff

v.

JOSEPH MATAL,
performing the functions and duties of Under
Secretary of Commerce for Intellectual
Property and Director of the United States
Patent and Trademark Office,

Defendant.

Civil Action No. 1:16-CV-01580 (CMH/JFA)

DEFENDANT'S MOTION *IN LIMINE*

Pursuant to the Federal Rules of Evidence, defendant, Joseph Matal, performing the functions and duties of Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, by his undersigned counsel, hereby moves this Court for an order *in limine* to preclude plaintiff Halozyyme, LLC, from the following at the upcoming trial of this cause:

- Adducing any expert witness testimony, or introducing any other expert evidence, from Dr. Bruno Flamion, Dr. Samuel Zalipsky, and Mr. Jon S. Saxe, relating to commercial success or commercial acquiescence.
- Adducing any expert witness testimony, or otherwise asserting any argument, concerning whether the relevant claims of U.S. Patent Application No. 11/238,171 find written description support in the specification of U.S. Patent Application No. 11/065,716, other than that which was included in the expert reports of Dr. Samuel Zalipsky.

The grounds for this motion are fully explicated in the accompanying memorandum of law in support of the motion.

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Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

By: /s/
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DATE: October 27, 2017

ATTORNEYS FOR DEFENDANT

OF COUNSEL:

Frances M. Lynch
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Associate Solicitors
United States Patent & Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (“NEF”) to the following:

Joshua D. Rogaczewski
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Date: October 27, 2017

/s/_____
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